

Message Text

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ORIGIN EB-07

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FMC-01 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04 L-03

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DRAFTED BY EB/TT/MA:REJOHE:BST

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FMC:RSHREVES (INFO)

EA/ANP:HNELSON

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P 172239Z DEC 75

FM SECSTATE WASHDC

TO AMEMBASSY CANBERRA PRIORITY

INFO AMCONSUL SYDNEY PRIORITY

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E.O. 11652: N/A

TAGS: EWWT, AS, US

SUBJECT: FMC PROCEEDING REGARDING AUSTRALIAN MEAT TRADE

REF: CANBERRA 8298

1. DEPTOFFS MET WITH FMC OFFICIALS ON DEC. 16 TO DISCUSS WORKABLE SOLUTIONS TO THE ONGOING DISPUTE INVOLVING THE SHIPMENT OF AUSTRALIAN MEAT. ACCORDING TO FMC, THE KEY TO ANY SOLUTION WOULD HAVE THE AUSTRALIAN MEAT BOARD (AMB) MAKE A SATISFACTORY SETTLEMENT WITH EACH OF THE CARRIERS WHICH WERE ORIGINALLY IN THE CONFERENCE. IF THE TWO REMAINING "BLACKLISTED" CARRIERS COULD REACH AN AGREEMENT WITH THE AMB THEN THE MATTER WOULD LIKELY CEASE TO BE A PROBLEM SINCE THESE CARRIERS WOULD PROBABLY ADVISE THEIR ATTORNEYS TO DROP THEIR PENDING COURT CASE AS WELL AS THEIR ACTION BEFORE THE FMC.

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2. ON THE OTHER HAND, IF A SATISFACTORY AGREEMENT WITH THE "BLACKLISTED" CARRIERS IS NOT REACHED, THE AMB CAN EXPECT THESE CARRIERS TO SEEK AT LEAST A TEMPORARY RESTRAINING ORDER IN THE U.S. DISTRICT COURT AGAINST THE FIVE CARRIERS WHO HAVE NOW AGREED TO CARRY MEAT WITH AMB.

SUCH AN ORDER COULD, IF GRANTED, RESTRAIN THE DEFENDENT CARRIERS FROM CARRYING MEAT IN THE TRADE. FURTHER DISRUPTION OF THE ENTIRE MEAT TRADE IS A POSSIBLE RESULT. THE FMC INFORMED DEPTOFFS AND AUSTRALIAN EMBASSY OFFICIALS LATE PM DEC. 16 THAT THE LAWYERS FOR THE TWO CARRIERS INTENDED TO SEEK SUCH A TEMPORARY RESTRAINING ORDER IN COURT ON DEC. 19. THIS COURT ACTION IS IN ADDITION TO ANY DETERMINATION MADE BY THE FMC. ONCE THE CASE IS IN COURT, NEITHER THE DEPARTMENT NOR THE FMC HAS ANY CONTROL OVER THE COURSE OF EVENTS. ATTORNEYS FAMILIAR WITH SUCH CASES INDICATE THAT SUCH A RESTRAINING ORDER WOULD HAVE A GOOD CHANCE OF BEING GRANTED.

3. EARLIER ON DEC. 16, DEPTOFFS CALLED ON AUSTRALIAN EMBASSY COMMERCIAL COUNSELLOR AND SECOND SECRETARY (GRAEME THOMSON AND GRAHAM RICHARDS RESPECTIVELY) AND RELAYED THE THRUST OF THE REMARKS MADE AT THE FMC-STATE MEETING. DEPTOFFS LEFT THE EMBASSY WITH THE IMPRESSION THAT THE AUSTRALIANS WERE WELL AWARE OF THE RAMIFICATIONS OF THE CASE AND THAT THEY WOULD CALL HOME TO RELAY OUR SENTIMENTS. DEPT. UNAWARE WHETHER MESSAGE EVENTUALLY RELAYED TO MCARTHUR.

4. ACTION REQUESTED. EMBASSY THEREFORE REQUESTED TO CONTACT, ONCE AGAIN, THE AMB AND RELAY TO MCARTHUR THE THRUST OF WHAT IS NOTED ABOVE, EMPHASIZING THAT A SOLUTION LIES IN HAVING SATISFIED EACH OF THE ORIGINAL SEVEN CARRIERS; THAT THE CONSEQUENCE OF NO SATISFACTORY SOLUTION COULD BE A COURT CASE, IN WHICH WE WOULD HAVE LITTLE OR NO SAY; AND WHICH COULD CHANGE COMPLEXION OF U.S./AUSTRALIAN MEAT TRADE, AT LEAST IN SHORT RUN.

5. DEPT AND AUSTRALIAN EMBASSY OFFICIALS AGREE THAT KEEPING THE CASE OUT OF COURT WOULD BE BENEFICIAL TO ALL.

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THE ABOVE JUDGMENTS ARE MADE IN ABSENCE OF ANY KNOWLEDGE OF THE RESULTS OF THE MEETING ON DEC. 17 NOTED REFTEL. ALSO, MR. ROBERT SIMPSON, WHO IS ON HOME LEAVE FROM CANBERRA, WAS BRIEFED ON THIS ISSUE. INGERSOLL

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